

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES E. MATHEWS,

Plaintiff,

v.

No.: 3:11-cv-544
(VARLAN/GUYTON)

JOSEPH P. MATTINA,

Defendant.

MEMORANDUM

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. On October 1, 2013, the Clerk's Office mailed a Notice of Availability of Magistrate Judge to plaintiff at his last known address of Bledsoe County Correctional Complex. The mail was returned undelivered on October 10, 2013, with the notation "return to sender, paroled." In the Court's initial order, plaintiff was ordered to inform the Court immediately of any address changes. Plaintiff was also advised that failure to provide a correct address within ten days following any change of address would result in the dismissal of this action.

Accordingly, this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE